


Approved: 
STEPHANIE SIMON
Assistant United States Attorney

Before: THE HONORABLE ANDREW E. KRAUSE
United States Magistrate Judge
Southern District of New York

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UNITED STATES OF AMERICA : **SEALED COMPLAINT**

- v. -

: Violations of
18 U.S.C. §§ 922(g) (1)
: and 2

MICHAEL HARRIS,

Defendant.

: COUNTY OF OFFENSE:
WESTCHESTER

- - - - - x

SOUTHERN DISTRICT OF NEW YORK, ss.:

MARK VERE, being duly sworn, deposes and says that he is a Special Agent with the Federal Bureau of Investigation ("FBI"), and charges as follows:

COUNT ONE

(Felon in Possession of Ammunition)

1. On or about April 25, 2020, in the Southern District of New York and elsewhere, MICHAEL HARRIS, the defendant, knowing he had previously been convicted in a court of a crime punishable by imprisonment for a term exceeding one year, knowingly did possess ammunition, to wit, five .40 caliber rounds of ammunition, which were manufactured by Smith & Wesson, and the ammunition was in and affecting interstate commerce.

(Title 18, United States Code, Sections 922(g) (1) and 2.)

The bases for my knowledge and for the foregoing charge are, in part, as follows:

2. I am a Special Agent with the FBI, and I have been personally involved in the investigation of this matter. This affidavit is based upon my personal participation in the investigation of this matter, my conversations with law enforcement agents, as well as my examination of reports and

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records. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

3. Based on my review of reports, records, photographs, and surveillance footage received from the Yonkers Police Department ("YPD"), my conversations with other law enforcement officers, and my participation in this investigation, I have learned, among other things, the following:

a. On or about April 25, 2020, the YPD received a report of shots fired in the vicinity of 73 Highland Ave. in Yonkers, New York. YPD officers canvassed the area and recovered, among other things, five .40 caliber Smith & Wesson spent shell casings (the "Shell Casings") on the street and on the sidewalk near a dark-colored sedan (the "Sedan") parked on the street between the driveways of 84 and 88 Highland Ave.

b. YPD officers also canvassed the surrounding area and recovered surveillance footage from the evening of April 25, 2020. The surveillance footage, which I have reviewed, shows, among other things, the following:

i. A man wearing a baseball hat on backwards, a dark hooded sweatshirt, dark pants, and dark sneakers with white on them, whose face is visible on the surveillance footage, exits 73-83 Highland Ave. ("Building-1") through the lobby at approximately 11:20 p.m. A YPD detective ("Detective-1") familiar with MICHAEL HARRIS, the defendant, identified the man seen on the surveillance footage exiting Building-1 at approximately 11:20 p.m. as HARRIS.

ii. At approximately 11:28 p.m., people can be seen on the surveillance footage on the sidewalk (the "Sidewalk") near the end of the driveway (the "Driveway") between Building-1 and 85 Highland Ave. ("Building-2"). Among the people gathered there is a man whose build and general appearance matches that of HARRIS, who is wearing what appears to be the same clothing HARRIS was wearing when he exited Building-1 minutes earlier (i.e., a baseball hat on backwards, a dark hooded sweatshirt, dark pants, and dark sneakers with white on them).

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iii. At approximately 11:37 p.m., the majority of the people gathered on the Sidewalk simultaneously duck and/or run away quickly. Based on my training and experience, and my review of the surveillance footage, I believe the people gathered on the Sidewalk were reacting to a shot or shots being fired from a firearm across the street. Although there is no audio in the surveillance footage, what appear to be muzzle flashes are visible coming from across the street at the same time the people on the Sidewalk begin to scatter. Further, at approximately the same time the people on the Sidewalk begin to scatter, one angle of the surveillance footage appears to show a bullet hitting Building-1.

iv. Seconds later, the man wearing a baseball hat on backwards, a dark hooded sweatshirt, dark pants, and dark sneakers with white on them, whose build and appearance matches that of HARRIS, walks out onto Highland Ave. near the Sedan, pulls out a handgun, and fires multiple shots north on Highland Ave. Again, although there is no audio in the surveillance footage, muzzle flashes are visible coming from the gun held by the man whose clothing, build, and appearance matches that of HARRIS. That man can then be seen on surveillance footage running away from Highland Ave., up the Driveway, and eventually out of view of the surveillance cameras.

v. At approximately 11:41 p.m., a man whose face is visible on the surveillance footage, whom Detective-1 is able to identify as HARRIS, enters the lobby of Building-1. When HARRIS reenters Building-1, he is wearing what appears to be the same baseball hat on backwards, dark hooded sweatshirt, dark pants, and dark sneakers with white on them.

4. Based on the information described above, I believe MICHAEL HARRIS, the defendant, was in possession of ammunition that was discharged on or about April 25, 2020, that resulted in the Shell Casings which were recovered near the Sedan.

5. Based on my participation in this investigation, my conversations with other law enforcement officers, and my review of reports and records, I am aware that photographs of the Shell Casings were submitted to a trained examiner from the Bureau of Alcohol, Tobacco, Firearms, and Explosives ("ATF"). The ATF examiner concluded that the Shell Casings were manufactured outside of New York State.

6. I have reviewed criminal history records pertaining to MICHAEL HARRIS, the defendant, which show that HARRIS was convicted on or about May 18, 2016, in Westchester County Court,

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of criminal possession of a firearm, in violation of New York Penal Law § 265.01-B, a felony, and was sentenced on or about July 20, 2016 to a term of 6 months' imprisonment and 5 years' probation. Based on my training and experience, I am aware that this crime is punishable by a term of imprisonment exceeding one year. I have also reviewed the minutes from HARRIS's May 18, 2016 change of plea proceeding, which show that HARRIS was advised on the record that the maximum sentence for the crime to which he was pleading guilty was 4 years' imprisonment.

WHEREFORE, deponent respectfully requests that an arrest warrant be issued for MICHAEL HARRIS, the defendant, and that he be imprisoned or bailed, as the case may be.



MARK VERE

Special Agent

Federal Bureau of Investigation

Sworn to me this 27th day of January, 2022



THE HONORABLE ANDREW E. KRAUSE
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK